

REPORT - PLANNING COMMISSION MEETING
April 28, 2005

Project Name and Number: Mahendru Residence (PLN2005-00106)

Applicant: Punit Mahendru

Proposal: To consider a Planned District Minor Amendment for site plan and architectural approval of the design of a two story 6,846 square foot house and 1,135 square foot attached garage. The property is 1.16 acres, and is Lot #10 within a planned district of 18 single-family homes (45931 Hidden Valley Terrace)

Recommended Action: Approve PLN2005-106 as shown on Exhibit "A" subject to the Conditions set forth in Exhibit "B" and the color/material board shown on Exhibit "C".

Location: 45931 Hidden Valley Terrace, east of Mission Boulevard, in the Warm Springs Planning Area

Assessor Parcel Number(s): 519-1717-010-00

Area: 1.16 acres (50,450 S.F.)

Owner: Punit and Shaski Mahendru

Agent of Applicant: Antoine Meo, Designer

Consultant(s): Antoine Meo, Designer
Terrance Camp, Camp & Camp Associates, Landscape Architect

Environmental Review: The project complies with the previously approved Mitigated Negative Declaration for the entire subdivision. No additional environmental review was undertaken.

Existing General Plan: Very Low Density Residential (0.5 to 1.5 dwelling units per acre)

Existing Zoning: Planned District (P-90-13)

Existing Land Use: Undeveloped

Public Hearing Notice: Public hearing notification is applicable. A total of sixteen (16) notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Saguare Terrace, Via Palamos, and Hidden Valley Terrace. The notices to owners and occupants were mailed on April 18, 2005. A Public Hearing Notice was delivered to The Argus on April 11, 2005 to be published by April 14, 2005.

Background and Previous Actions: The City Council approved P-90-13, a planned district for an 18 lot custom residential development, in 1991. The area, commonly known as Hidden Valley Ranch, is situated on approximately 21 acres on the south side of Stanford Avenue, east of Mission Boulevard, in the Warm Springs Planning Area. Entitlements approved in conjunction with the Planned District consisted of subdivision Tract 6412, Preliminary Grading Plan GP-90-13, and Mitigated Negative Declaration EIA 91-30. The project is subject to review and approval by the Planning Commission because the proposed home is greater than 7,500 square feet. It should also be noted that building setback lines (BSL) were recorded on the Final Tract Map for the subdivision and the subject home is proposed to be developed within the required BSL for Lot 10.

Project Description: The applicant is requesting approval of an amendment to P-90-13 for the construction of a 7,981 square foot single family house (including 1,135 square foot attached garage). Associated landscape and hardscape improvements are also proposed. The lot is approximately 50,450 square feet in size and with a building foot print of 5,047 (including garage) the home would cover approximately 10% of the total lot area (the floor area ratio - square footage of all floors compared to total lot size - is 16%). There are two other vacant lots within the subdivision still to be built upon.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is "Very Low Density Residential" - 0.5 to 1.5 dwelling units per acre. The proposed single-family residential project is consistent with this General Plan land use designation.
- **Zoning Regulations:** The property is zoned Planned District (P-90-13). The proposed residence conforms to the Planned District site standards including a 25-foot front yard setback, 10-foot side yard setback (total both sides 25-feet) and a 40-foot rear yard setback. The proposed home also conforms to the 30-foot height limit. As noted previously, the proposed dwelling unit is located within the BSL as recorded on the Final Map for the subdivision. Therefore, the dwelling unit conforms to all the required zoning provisions.
- **Circulation/Access Analysis:** The project site is on Hidden Valley Terrace, an existing private street with gated access off of Stanford Avenue. The project design includes two driveway openings on Hidden Valley Terrace. The driveways provide access to the four-car garage on the southwest side of the home, as well as provide access to the semi-circular driveway between the house and the fountain, a landscape feature.

Design Analysis:

- **Architecture:** The selected architecture style is Spanish Revival and is consistent with the adopted design guidelines for this Planned District. The exterior wall color is Italian yellow stucco with old world distressed finish, per submitted color board. The roof is proposed to be terra cotta "S" clay tiles, per the submitted material board, and is consistent with the color and style called for in the guidelines. The proposed residence is two-story with a gently pitched roof (4:12). The building height is 29 feet. The residence, while unique in its own style, compliments and is compatible with other homes in the area. Architectural features such as recessed windows and doorways give the appearance of thick walls indicative of Spanish style and add to its quality design. The front entry has paneled doors framed by four pillars. A roof over the main entry helps break up the main façade of the home.

Staff supports the design of the home as proposed.

Landscaping: A proposed landscape plan for the project site is required by the conditions of approval for the Planned District. Through the design and layout of the house and landscaped area the owner is proposing to retain eight trees, while removing three trees which did not need to be retained. The preliminary landscape plan includes native and sustainable trees and shrubs, with placement of large specimen trees in locations which will provide canopy coverage of the site while allowing ample views from the residence. The front yard of the residence will be fully landscaped with turf, ground cover, and a variety of shrubs and trees. The applicant is proposing Crape Myrtles and Ornamental Pears as street trees along the frontage of to Hidden Valley Terrace. A water fountain is proposed to be located adjacent to the driveway in front of the main entrance to the house. The driveways will be constructed with integral color stamped concrete with a banding of heavy sand finish, with the main entrance area treated with slate tiles. The landscape plan indicates the use of low level retaining walls in the front and side of the site that shall be constructed of concrete block and finished with stucco and color to match the residence. Placement of these walls is subject to the grading provisions in the Fremont Municipal Code and shall be subject to staff approval during the Development Organization review process. The proposed back yard terrace, bird bath, seat walls and cabana (shown on Landscape Plan) have been designed to be consistent with the architecture theme of the house and the project site overall. The applicant is also proposing to construct a garden pathway around the parameter of the rear yard.

Staff supports the landscape design as proposed.

Grading & Drainage: The existing grades on the project site were not changed much during the development of the subdivision and the designated building area is quite flat for a hill area lot. The existing ground within the building area slopes downward to the west at approximately 4.5%. Grading for the project consists of creating a building pad, with cuts of up to 3.5 feet, and exterior grading associated with the driveways and rear yard patios, terraces, and retaining walls. The project civil engineer has estimated grading for the project to be 920 cubic yards of cut and 20 cubic yards of fill, for a total grading estimate of 940 cubic yards. The estimated grading quantity is less than 1,000 cubic yards, therefore a preliminary grading plan approval by the Planning Commission is not required.

Drainage: Due to observed shallow groundwater depths (6 to 9 feet) and the occurrence of springs throughout the subdivision, a subdrain system was installed with Tract 6412 to intercept the groundwater and divert it to the City's storm drain system. The existing subdrain is just east of the designated building area. The plans indicate installation of area drains, patios, a retaining wall, trees and other landscaping in the general vicinity of the subdrain system. The building permit plans shall show the precise location of the existing subdrain with respect to the proposed improvements. The project design team shall incorporate appropriate design elements to protect the existing subdrain, or the existing subdrain shall be modified, subject to review and approval of staff prior to issuance of building or grading permits.

Concrete V-Ditch: The project civil engineer has proposed construction of a 3-foot wide concrete V-ditch along the eastern edge of the proposed development, which is along the dripline of a dense area of trees. Staff does not believe that a concrete V-ditch is the appropriate drainage device in this case. If a drainage device is needed, a landscaped drainage swale should be adequate to intercept runoff and divert it to a storm drain pipe. Prior to issuance of permits to construct a drainage swale or V-ditch, the project civil engineer shall provide hydraulic calculations, which demonstrate the need for the swale or concrete V-ditch, subject to review and approval by the City Engineer.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require Municipalities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Waste Management: The project is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939), the City's Source Reduction and recycling Element (1992), the Integrated Waste Management Ordinance (1995), and the Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. For storage purposes, the garbage and recyclable containers for this residence will be required to be located in an appropriate location and fully screened, subject to review and approval by the Development Organization staff.

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facility fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

Environmental Analysis: This project complies with the previously approved Mitigated Negative Declaration for the Planned District and Subdivision. Therefore, no additional environmental document was prepared for this project.

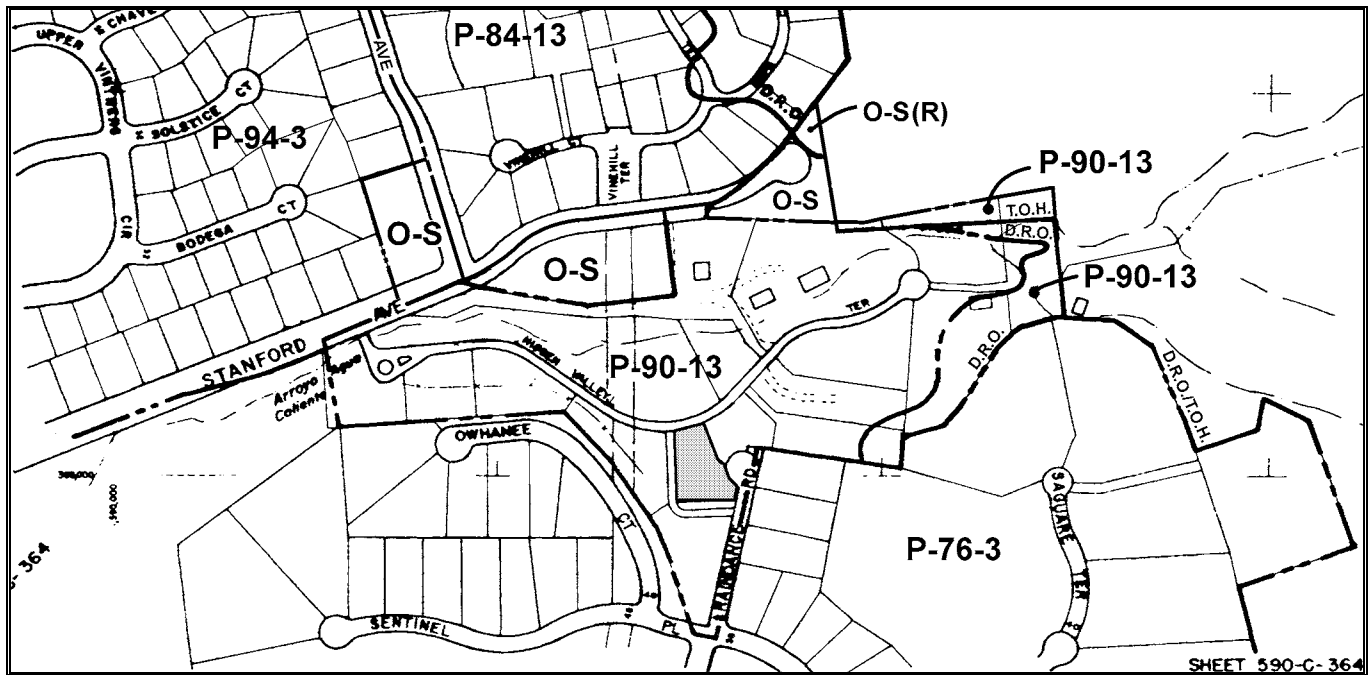
Enclosures: Exhibit "A" (Site Plan, Floor Plans, Elevations and Landscape Plan)
Exhibit "B" (Conditions of Approval)

Exhibits: Exhibit "A" Site Plan, Floor Plans, Elevations and Landscape Plan)
Exhibit "B" Conditions of Approval"
Exhibit "C" Color and Material Board

Recommended Actions:

1. Hold public hearing.
2. Determine that any environmental effects of the proposed project were considered and studied in conjunction with the previously approved Mitigated Negative Declaration for the Planned District and Subdivision and no additional environmental review is required for this project.
3. Find the proposed project to be in conformance with the approved Planned District for the site and in conformance with the relevant provisions contained in the City's existing General Plan.
4. Approve PLN2005-00106 as shown on Exhibit "A", subject to the conditions set forth in Exhibit "B" and the color/material board as shown on Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

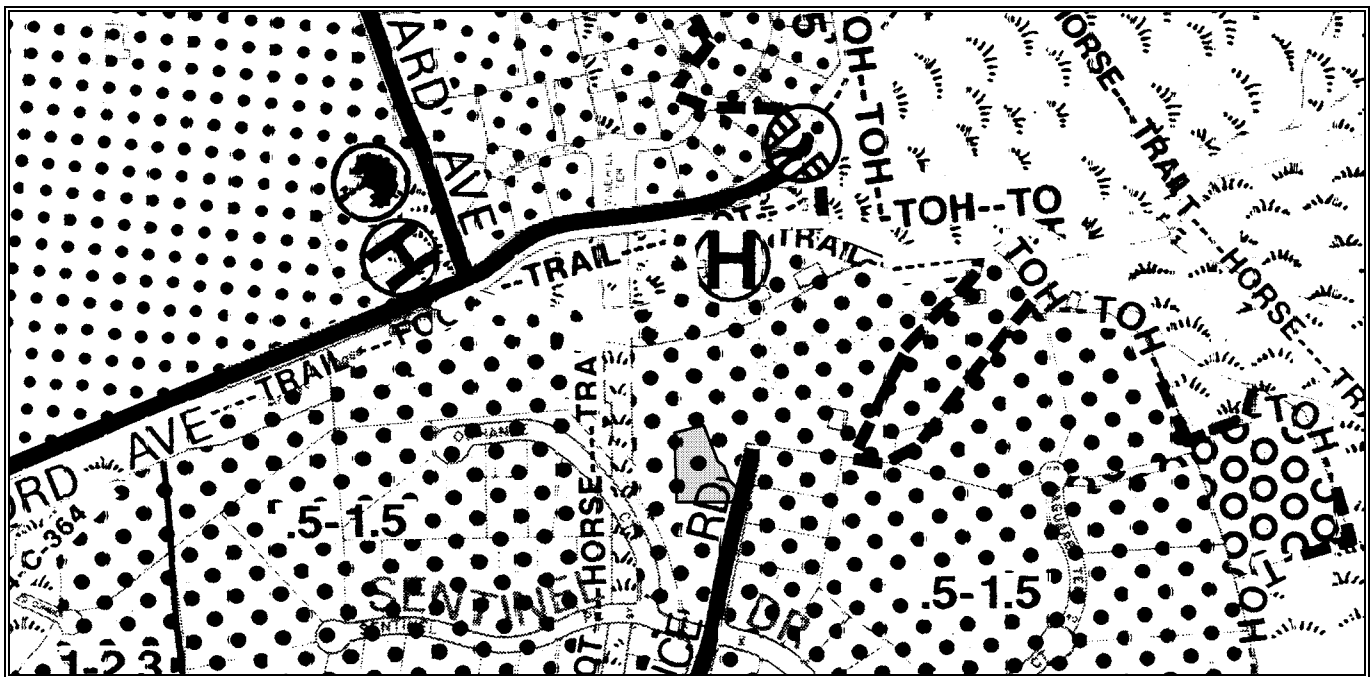


Exhibit "B"
PLN2005-00106
Mahendru Residence – 45931 Hidden Valley Terrace (Lot 10)
Conditions of Approval

Prior to Issuance of a Building Permit

1. The project shall conform with Exhibit "A" (Site Plan, Floor Plans, Elevations and Landscape Plan) and all applicable conditions of approval set forth herein.
2. The preliminary grading plan, sheet C1 of Exhibit "B", is for information purposes only and is not approved as part of the Planned District Minor Amendment. Grading and drainage is subject to review, required modification, and approval of staff, prior to issuance of permits.
3. The project shall conform to all applicable conditions contained in the original Planned District for the entire subdivision, being P-90-13.
4. Minor modifications to Exhibit "A" (Site Plan, Floor Plans, Elevations and Landscape Plans) may be made subject to the review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval, unless the Planning Director finds that such modification warrants review and approval by the Planning Commission.
5. The project shall conform to the City's Hazardous Fire Area requirements as set forth in Chapter 16 of the Uniform Building Code, as amended, subject to the review and approval of staff during the **Development Organization** review process. Because a total floor area of the structures exceeds 5,000 square feet in area, an approved automatic fire extinguisher system (AFES) shall be installed throughout the residence, subject to the review and approval of staff during the **Development Organization** review process. All fire flow requirements as specified in the Uniform Fire Code (2000) shall be adhered to and shall be subject to the review and approval of the Fire Department during the **Development Organization** review process.
6. The applicant shall submit appropriate plans to the **Development Organization** for review to ensure compliance with all City codes, policies, and other requirements of the Fremont Municipal Code.
7. The applicant shall meet all requirements in the 2001 California Building Code and all local amendments to the code in Ordinance #2485.
8. Should the applicant require a permit for grading in excess of 1,000 cubic yards (cut and fill), the applicant shall submit a Preliminary Grading Plan application, subject to review and approval of the Planning Commission.
9. The project plans shall show the precise location of existing subdrains with respect to the proposed improvements. The project design team shall incorporate appropriate design elements to protect the existing subdrains, or the existing subdrains shall be modified, subject to review and approval of staff prior to issuance of building or grading permits.
10. The applicant shall provide for a functional drainage system subject to City approval during **Development Organization** review process. Hydrologic and hydraulic calculations, including drainage area maps, shall be included with the **Development Organization** application.
11. Prior to issuance of permits to construct a drainage swale or V-ditch, the project civil engineer shall provide hydraulic calculations, which demonstrate the need for the swale or concrete V-ditch, subject to review and approval by staff. The design of the swale or/ditch shall be subject to review and approval of staff during **Development Organization** review process.

12. During **Development Organization** review the applicant shall obtain a final grading permit in conjunction with the building permit. A professional engineer registered in the State of California must prepare the final grading plan. Grading shall be subject to the approval of the City Engineer.
13. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
14. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
15. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
16. During construction, the contractor shall maintain temporary construction fencing or other fencing to delineate the limits of work, along the drip line of the trees near on the east side of the project site. The development plans shall show the location and details of the construction fencing, subject to review and approval of staff during **Development Organization**.
17. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
18. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water quality measures for operation and maintenance of the project.
19. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Regional Water Quality Control Board.
20. The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system during and after construction, in accordance with the practices outlined in the Association of Bay Area Governments' Erosion and Sediment Control Handbook, California Storm Water Best Management Practice Handbooks, and Regional Water Quality Control Board's Erosion and Sediment Control Field Manual. A separate plan shall be submitted for this purpose and shall be subject to review and approval of the City Engineer during the **Development Organization** review process.
21. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
22. The project shall be subject to City-wide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park facility fees, and traffic impacts. The fees shall be calculated at the rate in effect at the time of building permit issuance.
23. All roof mounted and other mechanical equipment, including air conditioning units, and PG&E meters, shall be screened from view from adjacent public rights-of-ways and other uses, subject to the review and approval of staff during the **Development Organization** review process.
24. No exterior lighting shall be permitted except that which has a concealed source, subject to the review and approval of staff during the **Development Organization** review process.
25. Garbage or trash containers shall be suitably concealed behind permanent screening or fencing contiguous to the main structure, subject to review and approval of staff during the **Development Organization** review process.

26. No antennas, including satellite dish antennas, shall be placed on the roof or in the front or side yard areas adjacent to the public rights-of-way. All antennas shall be screened from view from the public rights-of-way subject to the review and approval of staff during the **Development Organization** review process.
27. The parking of boats, campers, recreational vehicles and trailers shall be prohibited within 35-foot front yard setback area or driveway area. Any such vehicle parked inside yard areas shall be screened from view from any adjacent properties, including residential lots and public and private street rights-of-ways. This condition is in addition to any conditions, covenants and restrictions (CC&Rs) to which this parcel may be subject, and this condition does not supercede any CC&Rs.
28. The applicant must complete and file a City of Fremont project Waste Handling Plan with Environmental Services prior to beginning any demolition or new construction on the property. After completing construction, the applicant must complete and file a City of Fremont Waste Disposal & Diversion Report with Environmental Services.
29. Consistent with Condition #64 for Planned District P-90-13, a geotechnical engineering investigation shall be performed for the project site prior to issuance of grading or building permits. Said investigation shall include investigation of, but not limited to, soil strength parameters, slope stability, settlement potential, expansive soil conditions, and materials analyses for suitability as engineered fill or aggregate, earthwork recommendations and pavement design.
30. The applicant shall provide written evidence to the Planning Director that a qualified professional archaeologist has been retained to be present on-site during all excavation and site preparation activities. If indications of prehistoric materials are encountered during on-site monitoring, work shall be halted within a ten meter radius of the find to allow the archaeologist time to determine its significance and make recommendations, including a system of data recovery, to the applicant or his successor as to the appropriate course of action. Archaeological site materials may include human remains, artifacts, and concentrations of thermally-fractured rock, bone, obsidian, and ash. Copies of the program and any recommendations and statements regarding a needed course of action shall be made available to the Planning Director.
31. Thirty days prior to commencement of any grading or construction, a site investigation, subject to the approval of the Planning Director, shall be completed by a qualified wildlife biologist to determine if burrowing owls are present. If a determination has been made that burrowing owls are indeed present, all work shall halt until the wildlife biologist has recommended appropriate actions to be taken to protect the owls. If relocation is found to be appropriate by the wildlife biologist, the owls shall be relocated according to the biologist's recommendations. Unless the Planning Director concludes it infeasible, the first choice of relocation shall be in the area dedicated as open space on this lot.

Prior to Forming and Framing

1. The project architect/engineer shall submit a letter to the City certifying that the finished pad and floor elevations are consistent with the approved plans.

During Construction

1. Prior to the installation of the stucco coat, the application or applicant's representative shall request an inspection of the residence by the project planner in order to ensure compliance with all of the architectural detailing of the building as specified in the approved drawings.
2. Construction activities shall be limited to the following hours of operation:
 - 7:00a.m. to 6:00 p.m. Monday through Friday
 - No construction shall take place on Saturday or Sunday.
 - The hours of operation shall be posted on-site.

Prior to Release of Building for Occupancy

1. The project architect/engineer shall submit a letter to the City certifying that the building has been constructed in conformance with the approved architectural plans, subject to the review and approval of the Director of Planning.
2. All required landscaping and irrigation, as approved by staff during the **Development Organization** review process, shall be installed prior to the issuance of the occupancy permit, subject to the approval of planning staff.

End of Conditions